

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LOVATO,

Defendant.

**8:17CR345**

**ORDER ON APPEARANCE FOR  
SUPERVISED RELEASE VIOLATION**

The defendant appeared before the Court on July 17, 2019 on a Petition for Offender Under Supervision [29]. Michael Hansen represented the defendant. Patrick McGee represented the government. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3).

The defendant requested a preliminary hearing, which was held. Fed. R. Crim. P. 32.1(b)(1). The court finds probable cause to believe the defendant has violated one or more conditions of supervised release as alleged in the petition and the defendant should be held to answer for a final dispositional hearing. Fed. R. Crim. P. 32.1(b)(1)(C). The defendant shall appear personally for a final dispositional hearing before Senior U.S. District Judge Laurie Smith Camp in Courtroom No. 2, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:30 a.m. on October 17, 2019. Fed. R. Crim. P. 32.1(b)(1)(C).

The government moved for detention based upon risk of flight and danger. The defendant requested a detention hearing, which was held. The court finds that the defendant failed to meet his/her burden to establish by clear and convincing evidence that he/she will not flee or pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1). Specifically, the court finds this defendant abused controlled substances and has some serious, undiagnosed, mental health issues.

Under such circumstances, the court cannot consider release absent a mental health and substance abuse evaluation by professionals. The government's motion for detention is therefore granted as to risk of flight and danger and the defendant shall be detained until further order of the Court.

The defendant shall be committed to the custody of the Attorney General or designated representative for confinement in a correctional facility and shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for an appearance in connection with a court proceeding.

**IT IS SO ORDERED.**

Dated this 18th day of July, 2019.

BY THE COURT:  
s/ Cheryl R. Zwart  
United States Magistrate Judge